REMARKS

Applicants wish to thank the Examiner for reviewing the present patent application. The amendments made to claims 1 and 5 are responsive to the Examiner's helpful suggestions. No new matter has been introduced and the amendments are made consistent with 35 USC §132.

I. Applicants acknowledge that the prior rejections have been withdrawn and the drawings have been accepted.

II. Claim Objections

The Examiner has objected to claims 1 and 5 in view of inadvertent typographical errors. Applicants have amended the same consistent with the Examiner's helpful remarks. In view of this, Applicants respectfully submit that the claim objections should be withdrawn and rendered moot.

III. Rejection Under 35 USC §102(a)

The Examiner has rejected claims 1, 3-6 and 8-11 under 35 USC §102(a) as being anticipated by non-patent literature submission: Abstract of a presentation at a skin conference in Hamburg, 2003, specifically Flament et al., and entitled, "Finger Perception Metrology", (hereinafter, abstract).

In the rejection, the Examiner mentions, in summary, that the abstract discloses a prototype tactile acoustic analysis apparatus that collects, stores, displays and

correlates frictional forces generated by animal skin. The Examiner further mentions that the abstract discloses a means for digitally displaying test results. Based on the above, the Examiner continues to believe that the novelty rejection is warranted.

Notwithstanding the Examiner's apparent position to the contrary, it is the Applicants' position that the presently claimed invention is patentably distinguishable from the above-described for at least the following reasons.

As already made of record, independent claim 1, as presented, is directed to an acoustic emission measurement system comprising:

(A) means for generating an acoustic emission signal from a body by contacting skin on one area of the body with skin on another area of the body to produce skin/skin frictional forces;

(B) means for collecting, storing and displaying said emission signal;

(C) means for correlating said emission signal with an attribute of said skin;

wherein said system is used as a clinical tool to evaluate efficacy of cosmetic skin care and/or cleansing products.

The invention of claim 1 is further defined by dependent claims which claim, among other things, that the means for displaying the emission signal comprises a medium selected from the internet, a camera, palm pilot, mobile phone, mobile camera phone and advertising and promotional material that can include a television, magazines, brochures, posters, flyers and handouts. Additionally, claim 1 is further defined by dependent claims which claim, among other things that the system may be used by a consumer, beautician, or professional advisors and that the correlating represents attributes of pores, wrinkles, photo aging or skin texture. New claims 17-20 further define claim 1 such that the system is suitable for use in an acoustic medium which is

air, water or an aqueous solution and the emission signal is generated from a hand or finger or a second body part. Again, Applicants wish to point out to the Examiner that the present system is superior in that an acoustic emission signal from the body is generated by contacting skin-on-skin (please see the limitations of the independent claims). Direct application of a probe or device onto the body is not required and this is what makes the present invention superior.

Independent claim 5 describes a cosmetic product selection and/or customization system comprising the acoustic emission system of claim 1. The same is further defined by the dependent claims which claim, among other things, the type of medium which may be used.

In contrast, and as already made of record, the abstract relied on by the Examiner is merely directed to finger perception metrology whereby finger sliding tests are performed on various abrasive papers to show a good correlation of the co-efficient of friction and the variations of acoustic signals (amplitude and waveband). A prototype of perception metrology, therefore, is described to quantify the friction and acoustic signals during the sliding of the finger on a surface of materials. The teachings of the abstract clearly teach away from the presently claimed invention which creates emission signals from a body by contacting skin-on-skin (please see the limitations of the independent claims). Direct application of a device onto the body is not required in the current invention but is required in the technology described in the reference. Clearly, the abstract teaches the use of abrasive papers (result section). Turning to claims 17-20, since the claims rely on independent claims requiring skin-on-skin frictional forces, they are not anticipated in view of the abstract of record.

In view of this, it is clear that all the important and critical limitations set forth in the presently claimed invention are not found in a single reference, namely the abstract. Therefore, the Applicants, again, request that the novelty rejection be withdrawn and rendered moot.

IV. Rejection Under 35 USC §103

The Examiner has rejected claims 2 and 7 under 35 USC §103 as being unpatentable over the abstract of record in view of non-patent literature submission abstract of a presentation at a skin conference in Hamburg, 2003, Fleming "Mobile, multimedia computing for improved clinicopathalogic correlation in dermatopathology (hereinafter, "Fleming").

In the rejection, the Examiner mentions, in summary, that the abstract discloses the claimed invention for the reasons set forth above and that Fleming teaches a means for digitally displaying test results via the internet and/or handheld computers. In view of this, the Examiner believes that claims 2 and 7 are appropriately rejected under 35 USC §103.

Notwithstanding the Examiner's apparent position to the contrary, it is the Applicants' position that the presently claimed invention is patentably distinguishable from the above-described for at least the following reasons.

As already made of record, the present inventions are directed to an acoustic emission measurement system and a cosmetic product selection and/or customization system that rely on the generation of acoustic emission signals from the body by contacting skin on one area of the body with skin on another area of the body to produce skin/skin

frictional forces. As already made of record, the abstract requires sliding of the finger on various abrasive papers and does not rely on skin/skin frictional forces as set forth in the presently claimed inventions. Therefore, while the Fleming abstract mentions the use of computers running software in dermatopathology laboratories, it does not cure the vast deficiencies of the abstract since the combination of references relied on by the Examiner does not, even remotely, suggest ways to assess skin via skin/skin frictional forces.

In view of the above, it is clear that all the important and critical limitations set forth in the presently claimed invention are not found in the combination of references relied on by the Examiner. Therefore, Applicants request that the obviousness rejection be withdrawn and rendered moot.

Turning to the response to the arguments, Applicants submit that there is no teaching in the abstracts relied on by the Examiner that even remotely addresses skin-on-skin frictional forces. In fact, the result section of the Flament abstract clearly describes the finger sliding on various abrasive papers to show a good correlation of the coefficient of friction and the variations of acoustic signal. No skin-on-skin contact is even remotely addressed.

In view of the above, Applicants request that all claims of record now be passed to issue. Reconsideration and favorable action are earnestly solicited.

In the event the Examiner has any questions concerning the present patent application, the Examiner is kindly invited to contact the undersigned counsel at his earliest convenience.

Respectfully submitted,

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